

Message Text

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46

ORIGIN L-03

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SCS - MR. GISE

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TO AMEMBASSY ATHENS

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E.O. 11652: N/A

TAGS: CPAS, GR

SUBJECT: CPAS: DUTIES OF CONSULAR OFFICERS - WITNESS OF
MARRIAGE

REF: ATHENS 1406

1. WHILE SYMPATHETIC TO SITUATION DESCRIBED REFTTEL,
DEPARTMENT BELIEVES REGULATIONS PRECLUDE CONSULAR OFFICER'S
ACTING EITHER AS WITNESS OR TO SOLEMNIZE MARRIAGE.

2. 22 USC 1172 IS VERY OLD (1860) STATUTE ENACTED WHEN U.S.
CONSULS HAD JUDICIAL POWERS IN CHINA AND CERTAIN OTHER
COUNTRIES. 22 CFR 52.2(B) REFLECTS MORE MODERN CONDITIONS
AND GENERAL POLICY THAT CONSULAR OFFICERS NOT SUBSTITUTE
FOR LOCAL OFFICIALS BUT VERIFY OR AUTHENTICATE LATTER'S
ACTIONS. IN ANY EVENT, REGULATION IS BINDING SINCE STATUTE
IS AN AUTHORITY, NOT AN OBLIGATION.

3. 22 XFR 52.2(B) CAN ONLY BE READ TO MEAN THAT CONSULAR
OFFICER "AS FAR AS PRACTICABLE" HAS ASSURED HIMSELF OF COM-
PLIANCE WITH LOCAL LAW, NOT ASSURED HIMSELF OF COMPLIANCE
"AS FAR AS PRACTICABLE." IN PRESENT CASE, OFFICER WOULD

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KNOW MARRIAGE NOT IN COMPLIANCE WITH GREEK LAW. MAW

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